

1873
L.R.

File No. 11 of 1873
Serial no. 1-17.

Subj- Power and Rules under
Land Acquisition Act
X of 1870.

L. R
11 of 1873,
1-17.

power and rules under land acquisition
act X of 1870

33	1	Whole furlong	About 15 young trees recently planted.
	2	Do.	16 Do.
	6	Do.	12 Do.
	7	Do.	14 Do.
	8	1 st 120	12 Do.
34	1	Do.	12 Do.
	2	Last 91 yards	9 Do.
	3	Do.	16 Do.
	4	Do.	16 Do.
	5	Do.	16 Do.
	6	Do.	16 Do.
	7	Do.	15 Do.
	8	Do.	16 Do.
35	2	Last part 100 yards	10 Do.
	3	Whole of the furlong	10 Do.
	4	Do.	7 Do.
	5	Last part 100 yards	9 Do.
	6	1 st 119	14 Do.
	7	1 st 112	8 Do.
36	2	1 st 100	These trees evidently were in existence before the telegraph line was set up.
	4	Last 100	Do.
	5	80	Do.
	7	120	10 young trees recently planted
	8	80	8 Do.
37	1	Last part 105	10 Do.
	2	Whole of furlong	14 Do.
	3	Do.	14 Do.
38	6	Last 110 yards	9 Do.
	7	1 st 80	6 Do.

Bangalore Bellary Road via Tumkour

39	1	Last 100 Yards	9 Young trees recently planted.
	2	94	8 Do.
	7	110	These trees evidently were in existence before the Telegraph line was set up.
40	5	107	Do.
41	1	Whole furlong	Do.
	2	Do.	Do.
	3	Do.	Young trees 12 Do.
	4	Do.	12 Do.
	5	Do.	16 Do.
	6	Do.	14 Do.
	7	Do.	14 Do.
	8	Do.	10 Do.
42	1	1 st 113 yards	8 Do.
	2	Last 109	10 Do.
	3	108	7 Young trees
	4	1 st 110	} 12 Do.
		Last 55	
	5	1 st 80	7 Do.
	6	Whole of furlong	14 Do.
	7	Last 170 yards	These trees evidently were in existence before the Telegraph line was set up.
	8	Whole of furlong	

Signed W. G. Goodsir
Road Overseer

Signed G. W. White
Temporary Executive Engineer
Tumkour Division

25th September/96

Execd. Asst

"True Copy"

Inspector Lieut Coll
Offg Secy to the Chief Commr of Mysore Dist.

Whe

Memo:
— " —

No 20 of 7th Dec 73

The Commr of
Trinidad requested
to be informed,
whether Dy Commr
as Collectors, could
Ex-officio exercise
the powers under
Act x of 1870, Land
Acquisition Act.

" $\frac{4737}{1115}$ of 20th Dec 73

This was re-
ferred to the Just.
Commr for opinion,
who replied, that
it was unnecessary
for the present to

" $\frac{2304}{1238}$ 19-12-73

local limits to which
their jurisdiction
extends, and under
Section 4, all Officers
of the Revenue
Deptt, not below
the grade of Amil-
dar, and Officers
of the Public Works
Deptt, to take the
steps mentioned in
that section. -

With reference to
the above Propo-
sition, the Judicial
Commr. submitted
for consideration, a
suggestion made
by the Commr. of
Tragar, whether,
as in the case of
(Punjab)

No 2638
285 of 9 Feb 74

Revenue Officers, it
would not be ad-
-visable to note the
grade of P. Works
Officers, who were
authorized under
the Act. -

In reply he
No. ~~6489~~¹⁵⁹ of 26-2-74 was informed, that
the term, Officers of
the Public Works ~~Dep't~~,
was sufficiently de-
-scriptive for prac-
-tical purposes, in-
-asmuch, as under
Section 4 of the Act, the
"Servants and ~~Workmen~~"
of the Officers au-
-thorized, were em-
-powered to act as
substitutes

substitutes for the
Officer. -

The Commdy No 6 of 21st July 75.
I undidrove now
request, the favor
of a reply to his
letter No 20 of the
4th November 1873,
soliciting instruc-
- tions, as to whether
by Commdy as Col-
- lector ex officio
could exercise pow-
- ers under the Land
Acquisition Act. -

Geo. Lambrose
26-7-75.

Answer

I have just
received your
letter of the 14th
and have been
much obliged to you
for the same.

I am very
truly yours
The 6th of July

T_0

1874.
The Board of
Revenue
L.P.

Dated

Despatched

Received

ENCLOSURES NO.

General No.

No.

No. Revenue Circular
for May, 1845.

To Dr. H. S. G. S.

29-6-75

CIRCULAR ORDER SLIP (No. 8), MAY, 1875.

24A. In such cases, however, the value of each holding should be separately assessed and recorded, and should be included in the total amount of compensation to be allowed in the award. The value so ascertained should not be paid to the service-holder, but should be placed in deposit and appropriated according to the following rules:—

When the area of land acquired forming a single holding or portion of a single holding, is equal to or exceeds a beegah, the sum so placed in deposit should be applied for the purpose of purchasing another piece of land, similar in quality and quantity to the first piece, and situated adjacent to it, or in its immediate neighbourhood. This second piece of land should be acquired under the provisions of the Act, and should be made over to the holder of the service land, to be held by him on the same terms as the original holding was held at the time of its acquisition.

When the area of land acquired is less than a beegah, it will not be worth while going through the process enjoined above. Instead of doing so, annual interest should be paid to the service-holder at the rate of six per cent. on the sum held in deposit; provided that as soon as the aggregate acquisitions of land forming portions of a single holding, or of the holdings of a single individual, amount to a beegah or more, a fresh piece of land may be acquired and made over to the service-holder in the manner indicated above, payment of interest ceasing from the date of the transfer. The amount of interest should be sent out annually to the service-holder by the Collector, at the cost of Government, without waiting for any application to be made for it. 6-5-75.

No 252

Old No 122

Powers and Rules
under Land Acqui-
sition Act X of
1890.

CIRCULAR ORDER SLIP (No. 10), JUNE, 1873.

5A. An application for an extra budget grant should in no case be sent up, until the budget allotment of the Office or Department making the application has been exhausted, under the particular head of expenditure to which it is proposed to debit the disbursement for which funds are required. A certificate should be appended to each such application, that the balance in the Collector's hands at the time of submitting the application is less than the amount asked for. 6-6-73.

JUNE, 1873.

1873

REV. CIR.

HON'BLE V. H. SCHALCH.

Erratum.

In lines 3 and 4 of Circular Order No. 2, for the current month, for the words "14 A. Report on Wards' Estates," read "14. A Report on Wards' Estates." The same alteration should be made in the slip.

No. 5.

IN continuation of Circular Order No. 1 of February 1872, it is hereby notified that the whole of Chapter X of the Board's rules is superseded, except Sections I and VI and Clause 5 of Section VIII, which are still in force in regard to territorial and political pensions only.

No. 6.

THE following has been added as Clause 5A. to Section V, page 24 of the Board's Rules—

An application for an extra budget grant should in no case be sent up, until the budget allotment of the Office or Department making the application has been exhausted, under the particular head of expenditure to which it is proposed to debit the disbursement for which funds are required. A certificate should be appended to each such application, that the balance in the Collector's hands at the time of submitting the application is less than the amount asked for.

N^o. 1688
Rev. 13 9 3 July 1873.

24
103

order.

With reference to the
Notification of the
Govt. of India N^o. 89.9.
dated 8th June/70
declaring the Land
acquisition act N^o. 8
of 1870 to be in force in
this Province, the Chf.
Commr. of Mysore is
pleased to direct the
observance of the fol-
lowing rule in regard to
the valuation of land
alluded to in para. 9
of the above act. —

"In all cases the
Dt. Commr. or President
of the Munt. Board
must verify his informa-
tion by inquiry on the

Government of India

Revenue

Circular

To

Deputy

The Commissioners of Divisions

Dated July 3rd

Deputy

Revenue

No. 16
17.13

Sent to the S. E. Secy

2/7/73

Convey instructions for

the of law taken up under the Land
Acquisition Act of 1870.

1000
Recd 4/7/73

*Proceedings of the Chief Commissioner of Mysore, Department of Agriculture,
Revenue and Commerce, 3rd July 1873.*

No. 1688—REV. 13, DATED BANGALORE, 3RD JULY 1873.

ORDER.—With reference to the Notification of the Government of India, No. 89, J, dated 8th June 1870, declaring the Land Acquisition Act, No. X of 1870, to be in force in this Province, the Chief Commissioner of Mysore is pleased to direct the observance of the following rule in regard to the valuation of land alluded to in para 9 of the above Act.

“ In all cases the Deputy Commissioner or President of the Municipal Board must verify his information by inquiry on the spot, and must attach a certificate to his estimate of value, to the effect that ‘the rates have been arrived at after local inquiry and inspection of the ground.’ ”

LESLEY,
Pg. Secretary.

To—The Commissioner, Nandidroog Division. 5
„ Offg Do Ashtagram do. — “
Do Nagar do. — “

5 span copies each.

9
a:14

Revenue

70

1873.

GOVERNMENT OF MYSORE.

REVENUE.

CIRCULAR.

To

THE COMMISSIONERS OF DIVISIONS.

Dated July 3rd

Despatched

Received

73

1873 10

No. 1688.
Rev. 13.

Conveys instructions for the valuation of
land taken up under the Land Acquisition
Act X of 1870.

Proceedings of the Chief
Commissioner of Mysore.

184004 dated 20th October 1873.
Just 101

Order

SLY

The Chief Commissioner requests, that no Officer may be recommended for investiture with powers under Act I of 1870, unless the Commissioner to whom such Officer is subordinate, is satisfied, that he is well acquainted with the provisions of that law, and the rules promulgated thereunder.

To
The Commissioner of
Mandya
Asttagram and
Nagar Divisions.



Offy Secretary

Judicial
1873 No. 4004
101.
The Com^{ts} of
Kandiroog, Ashlagian
and Nagar

Investment
No. 101-
Instructions
regarding the investment
for power with power
under Act of 1870.

From sundries 4.00
From sundries 3.00
From sundries 3.00

AN 38.

REVENUE CIRCULARS.

MAY, 1875.

HON'BLE H. L. DAMPIER.

No. 6.

THE following is added as paragraph 24A to the instructions for the guidance of officers in the acquisition of land under the provisions of Act X of 1870 :—

24A. In such cases, however, the value of each holding should be separately assessed and recorded, and should be included in the total amount of compensation to be allowed in the award. The value so ascertained should not be paid to the service-holder, but should be placed in deposit and appropriated according to the following rules :—

When the area of land acquired forming a single holding or portion of a single holding, is equal to or exceeds a beegah, the sum so placed in deposit should be applied for the purpose of purchasing another piece of land, similar in quality and quantity to the first piece, and situated adjacent to it, or in its immediate neighbourhood. This second piece of land should be acquired under the provisions of the Act, and should be made over to the holder of the service land, to be held by him on the same terms as the original holding was held at the time of its acquisition.

When the area of land acquired is less than a beegah, it will not be worth while going through the process enjoined above. Instead of doing so, annual interest should be paid to the service-holder at the rate of six per cent. on the sum held in deposit; provided that as soon as the aggregate acquisitions of land forming portions of a single holding, or of the holdings of a single individual, amount to a beegah or more, a fresh piece of land may be acquired and made over to the service-holder in the

May,
1875
REV. CIR.

manner indicated above, payment of interest ceasing from the date of the transfer. The amount of interest should be sent out annually to the service-holder by the Collector, at the cost of Government, without waiting for any application to be made for it.

No. 7.

THE attention of all District and Divisional Officers is drawn to the directions contained in the amended Notification issued by Government under Section 27 of the Court Fees Act, VII of 1870, and published at page 537, Part I, of the *Calcutta Gazette*, of 5th May 1875, regulating the number of stamps to be used for denoting any fee chargeable under the Act above referred to; and in pursuance of that Notification, the Member in charge directs that the following rules be observed by the several officers whom they concern:—

(1.) When the exact amount of any fee chargeable under the said Act can be denoted by a single stamp, such fee shall be denoted by a single stamp, unless the Collector of the District, or Officer in charge of a Sudder or Sub-Divisional Treasury, shall certify that such stamp is not in his stock. Provided that, when the fee chargeable does not exceed Rs. 75, the certificate above mentioned may also be given by a licensed vendor of Court Fees Stamps.

(2.) When the amount of the fee cannot be denoted by a single stamp, or when the Collector or other Officer has certified as aforesaid, the next lower stamp shall be used, and the deficiency made up by one or more additional stamps of such value, that the fewest possible number of stamps will make up the necessary amount.

2. District Officers should, however, warn the vendors of Court Fees stamps that if they do not keep up a proper stock of such stamps to meet the public demand, it will be necessary to cancel their licenses.

3. The Board's Circular Order No. 6 of January 1873 is hereby cancelled.

12/20

Munddroog Division Commr's Office
Bangalore November 1873.

From.

The Officiating Commissioner of the
Munddroog Division

To

The Secretary to the
Chief Commissioner of Mysore

Sir,

With reference to the Proceedings
of the Chief Commissioner N^o 4004 of
the 20th October 1873, I have the honor to
submit for orders of the Chief Commissioner
copy of a Docket N^o 597 of the 30th October/73
from the Deputy Commissioner of Toomkoo
requesting to be informed whether Deputy
Commissioners as Collectors can ex officio
exercise the Powers under Act X of 1870.

I have the honor to be

Sir

Your Most Obedient Servant
W. L.

Officiating Commissioner

Address of
According to
M

18/11/73

P. 84

Judicial Act No. 20
1873
From The Commissioner of the
Munddroog Division
To Secretary to Chief Commissioner,
General Department.

Dated 7 November 1873.
Despatched 8
Received 8
Page 10
Enclosures No.

General No.
No.
Request to be informed
whether Deputy Commissioners
as collectors can ex officio
exercise the powers under
Act X of 1870.

The word "Collector" includes
Deputy Commrs. under Sec
3. But in addition,
some officers require to
be "authorized" under Sec
3. And it will also
be necessary to empower
Judicial officers (Magistrates
Sec 4) below the grade
of a Commr. to perform
the functions of a Judge.
Point this out to the
Commr. & ask his opinion
as to the officers who
should be thus empowered.

14/11
T.O. Brumby 14/11

N. 6737
Jal 115.

87

Mysore L. L. Office.
Bangalore 20 November 1873
To, The Offg. Jud^l. Comm^r

Sir,

In forwarding copy
of letter N^o 20 dated 7th Nov^r 73
and of its enclosure, from the
Offg. Comm^r of the Land Revenue
Division, requesting to be
informed whether Deputy
Commissioners as collectors
can ex officio exercise the
powers under Act X of 1870,
I am directed to observe that
the word "collector" includes
Deputy Commissioners under
Section 3. But, in addition,
some Officer requires to be
"authorized" under Section
14, and it will also be
necessary to empower judicial
officers (under Section 14)
below the grade of a Comm^r
to perform the functions of
a "judge", and to request
your opinion as to the Officers
who should be thus em-
powered.

I have &c

18/11/73.

Attest

copy

20/11/73

J. W. L.
Offg. Secy.

No. 2307
238
From

Mysore Judge Commissioners Office
Bangalore 19th December 1873

Lieut. Colonel J. L. Pearse

Offg. Judicial Commissioner
in Mysore

To

J. L.

The Secretary to the
Chief, Commissioner
of Mysore

Sir,

In acknowledging the receipt of your
letter No. 4731 dated 20th ultimo with reference to the
appointment of officers to carry out the provisions
of Act X of 1870, I have the honor to state for the
information of the Chief Commissioner that it does

yes: but
other officers
have to
be authorized
under Sec
4.

not appear necessary at present to appoint any
officer specially to perform the functions of a Col-
lector under the Act. The Deputy Commissioners
who are authorized by the Act itself to exercise the
powers of a Collector can do so without detriment
to the interests of either Government or the parties
concerned.

Yes
(h)

2. As it would doubtless entail much trouble
inconvenience and expense to parties if Commissioners
of Divisions only were to exercise the powers of a
Court, I am of opinion that the Judicial Assistants
may safely and advantageously be nominat-
ed to exercise the powers of a Court under the
Act within the limits of their respective Districts.

3. It will then also become necessary to declare
that the Commissioners of Divisions are to be considered as
District Judges within the meaning of the above mentioned Act.

I have the honor to be
Sir, your most obedt. servant

Lb

J. L. Pearse
Offg. Judl. Commissioner

below the grade of
Amildar & officers
of the I. P. to
take the steps
mentioned in that
section as "lawful"
"for any officer either
"generally or specially
"authorized by or
"local Govt in
"this behalf"

22/12 20.

106

24/12

Not Recd.
24-12-73

18.
27/12/73

$\frac{2}{P. 84}$

Recd.
From 22/12 1873 74
The Judicial Commissioner
in Mysore
To
Secretary to Chief Commissioner,
General Department.

Dated 19th December 1873

Despatched 20 —

Received 20 —

Enclosures No

General No. 2307

No. 238

Acknowledges receipt of
No. 4137 dated 20th Ultimo, and
states his opinion in regard to
the appointment of officers to carry
out the provisions of Act 10 of
1870.

The following Notification
may be issued.

Under sec 3, Act X of
1870 the Offg. Ch. Commr
authorizes all Judl
assistants in Mysore
to exercise within
the limits to which
their jurisdiction extends
the powers of a
Judge under the
said Act.

& under sec. 4 he
authorizes all officers
of the Rev. Dept not

In. C. C. Office
Bangalore 3rd Dec 1873
January

See 2.81.

Notification

Under Section 3 Act X of
1870, the Offg. Chief Commr.
authorizes all Judicial
Asses. in Mysore to ex-
ercise the powers of a
Judge under the said
Act, within the local
limits to which their
jurisdiction extends;
and under Section 4, he
authorizes Officers of
the Revenue Dept., not
below the grade of Amildar,
and Officers of the P. W.
Dept., to take the steps
mentioned in that Section
as "lawful for any Officer
"either generally or specially
"authorized by a local Govt.
"in this behalf."

45452

JL 128.

Copy to Jas. Ch. for
with Ref. to his letter No.
2307/238 of 19th Dec/73.

27/12/73
By order/
J. H. Offg. Secy.
To M. S. S. & C.

Y
P. 84

187 .

5452
128.

From

To

The offg. Judd. Commr.

Dated

Despatched

5th January 1874.

Received

Regd 8th

Enclosures No.

General No.

5452 ✓

No.

128

Forwards copy of Notifn: authori-
-ing Judd. Assts: to exercise the
powers of a Judge under Sec. 3
Act ~~E~~ of 1870. ~~Y~~^{cc}. ~~Y~~^{cc}.

From the Secy of the Comr. 10/26/38
282

No. 2638
285.

Mysore Judicial Commissioner's Office
Bangalore 9th February 1874.

From,

Lt Colonel J. L. Pearse

Off^g Judicial Commissioner
in Mysore.

To,

Of 4

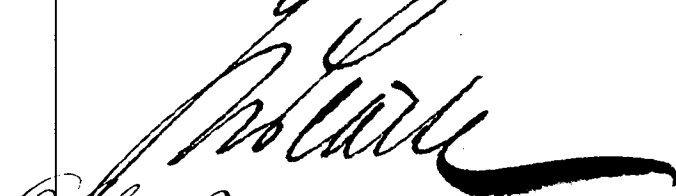
The Secretary to the
Chief Commissioner
of Mysore.

Sir,

With reference to the Chief
Commissioner's Notification of the 5th ultimo,
vesting Officers of certain departments with
powers under the Land Acquisition Act X of 1874,
I have the honor to submit for the Chief Com-
missioner's consideration, the suggestion made
by the Commissioner of Nagar whether, as in the
case of Revenue Officers, it would not be ad-
visable to note the grade of D. P. W. officers
who are authorized under the above said
Act.

I have the honor to be
Sir,

Your Most Obedient Servant.


Off^g Judicial Commissioner

L.P.

P. 81.

No 275.

15.11.11
From *The offg Judicial Commissioner*
in Mysore.
To
Secretary to Chief Commissioner,
General Department.

Dated *9*
Despatched *10* } *February 1874.*
Received *11*

Enclosures No.

General No. *2638*
No. *285*

Submits for consideration the
suggestion made by the Commissioner
of Nagar whether, as in the case
of Revenue Officers, it would not
be advisable to note the grade of
P. & W. officers who are vested with
powers under the land acquisition
act-X of 1870.

Recd 26 Feb 1874

1873.

From the Off^r Commissariat
Nagpur

To the Secretary to the Chief Commr of
Mysore

88

Dated 3rd November 1873.

Proceedings of the Chief Commr in the
Jus. Dept. no 4004 dated the 20th Oct/73.
7101

With reference to the above has the
hon^r to observe that no officers in the
Division appear to have been invested
with powers under act X of 1870. The
undersigned begs to suggest that the
Deputy Commr of Districts may be
& officers - empowered under the act,
and before this is done requests to be
informed if it is necessary to test
their knowledge of the provisions of that
law.

Humbly

Off^r Commissariat
Nagpur

M

1873. 74
From 'The *Manu* Nagari Bu
To Secretary to Chief Commissioner,
General Department.
Dated. 3²
Despatched. 5th November 7/73
Received. 8th "

General No. 374 3 1873-74
 Ser. No. 177 3
 Subject.

With ref: to Pro: no. 6004 obs^{rs}
that no officers in the division
appear to have been invested
with the powers under Act X
of 1870 —

1
1-73

1875.

From

To The Comm^r of the
Mundikroog Division

Dated 31 July.

Despatched *in*

Received

ENCLOSURES NO

General No. 3719 } 1875-76.
J. No. 6 }

88 13

Your Docket No. 6
of the 21st Instant, solic-
ing instructions whether
Deputy Comm^rs as Collectors
(ex officio) exercise powers
under the Land Acquisition
Act. X of 1870

Person, ~~was according to his~~
~~In reply to the above,~~
~~the Comm^r is referred to the~~
interpretation Clause, Section
3 of the Act, wherein the
term Collector includes a
Deputy Comm^r and ~~shows~~
~~that~~ under the circumstances
it ^{does seem} unnecessary for the
Local Government to appoint an
officer specially to ^{perform} ~~perform~~
the functions under the Act.

By order

30/7/75
Off^r Secretary

General No 10725
1630

Major Chief Commr's Office
Bangalore 7th March 1878

SL 11

To

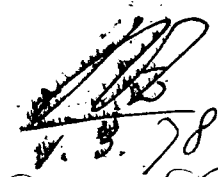
The Secretary
to the Board of Revenue
Lower Provinces
Bengal

Sir,

I am directed by the Chief Commr
~~I have the honor~~
to request that he may
~~to request the favor~~
be obligingly furnished
~~of your assistance~~
with copies of the rules
~~his office with the~~
~~from time to time of any~~
~~changes that were~~
framed under 159 of
~~the Land Acquisition~~
~~Act of 1870~~

~~before the commencement~~

I have &c &c


78
Offg Secretary

14.

To

The Secretary to the
Bd of Revenue
Lower Provinces
Bengal.

March 1848.
No. 10,725
1630

Asking for copies
of the findings framed under
Sec. 59 of the Land
Exposition Act I

For the Board of Revenue
21 March 1848

G.D.
(15)

The Secy Board of Revenue No 766
23/7/77
260

No. 190, A.

From,

H. L. Harrison, Esq.,
Secretary to the Board of Revenue, L.P.
Co.,

The Secretary to the Chief Commissioner
of Mysore,

Dated Fort William, the 21st March 1870.

Land Revenue Sir,
Land Acquisition
C. J. Buckland.
Esq.

With reference to your Office No. $\frac{10725}{1630}$ G dated 7th instant, I am desired to forward a copy of the Rules for the guidance of public officers in the administration of the Land Acquisition of Act II of 1870 issued by the Board. The rules framed by Government under section 59 which it is presumed are those referred to by you will be found at page 1 of the volume.

2. An acknowledgment is requested.

J.

I have the honor to be,

Sir,

Your Most Obedient

Wm

Secretary.

RB

hcl

8-2-47.

20 1878.

✓
1108

From

The Secretary to the Board of Revenue
L. P.

To

Dated 21st March

Despatched

Received 1st April
22

Enclosures No. 1

General No. 190 A.

No.

SL 15

With reference to
Letter No. 10725 dated 7th
1630
instant, forwards a copy
of the Rules for the guidance
of public Officers in
the administration of the
Land Acquisition of
Act F of 1870 -

Er Duffin

2-4-78

ML 13/11

To Recd SL.

Please put up all
the papers (including a
memo prepared in the
Duffin), which were in
the file when letter No 10725
of 7th Ultimo was
drafted.

The above papers
had been put in file.

m

Extract from the Circular
of the Board of Revenue
of the Lower Provinces.

January 1873
No. 2.

The Board have noted the

statement of a common impression
among local officers that, when

parties interested in land to be taken
up under Act X of 1870 make no

claim to the acquisition, or any
distinct claim to the additional

compensation authorized under
Section 42, such acquisition should

not be considered compulsory, and
therefore no additional compensation

should be awarded.

2. Officers in charge should
be informed upon all officers engaged

in land acquisition proceedings that
it is a fulfillment of law, and

not of fact, that the award
of land acquired under Act X of

1870 is compulsory. The additional
compensation of 15 percent. should

therefore be paid in all cases,
except where under special

agreement

26

Agreement the parties have accepted
a lump sum, and distinctly
measured or included therein the
claim to any additional compensation
- how under Section 42. In all such
cases the agreement must be taken
in writing, and filed with the
Procedings -

Art. 4.

The following is added as far as
17A of the constitution for the admini-
- stration of Act X of 1870 -
17A. In all cases referred to the
Court under Section 15, the govern-
- ment Pleader should under-
- stand also the causes the fact
of Government to the Court.

August 1873
Art. 6.

the members in charge

request that District Officers

when publishing their final

reports in connection with cases

under the Land Acquisition Act

X of 1870, will be careful to note

in Column 3 of Appendix 4 -

whether the general notes required
under

the favor of a reply to

the Office No. 20 of 7th

November last, enclosing

instructions as to whether

Acting Commissioner

as follows in office

received answers under

the date of recognition

Acting

May 20 1873

Wm. H. Smith

Commissioner

Ministry of Justice

the Council has to approve the

Act. The Council has to approve the

Act. The Council has to approve the

Act. The Council has to approve the

Act. The Council has to approve the

Act. The Council has to approve the

Act. The Council has to approve the

Act. The Council has to approve the

Act. The Council has to approve the

Act. The Council has to approve the

Act. The Council has to approve the

it as may be present at his Office
in person or by Agent duly
authorized to receive the same.

Should any such person be absent
and have no authorized agent at
the Collector's Court, the Collector
shall serve a notice upon him,
calling upon him to attend in
person, or by agent, within one
week of his receipt of the notice,
to receive the amount due to
him; and warning him that,
on failure to appear, the money
will be invested in Government
securities, and that no interest
will be allowed in excess of the
interest payable on such securities.

Should such person neglect to
appear within the time specified,
the Collector shall, on being
satisfied of the due service of
the notice, invest the amount
of the Compensation money
due to such person in Govern-
ment securities, and hold the
same in deposit, until the
amount shall be applied for
by the person entitled to it.

On the application of such
person

6

person, ~~entitled to it~~ the Collector shall make over the Government securities to him, or shall sell the securities and make over the amount realized to him, and at the same time pay to him any cash balance which has been too small for investment, together with interest on such balance calculated at four per cent. The Collector shall follow the same course in regard to any Compensation-money which may be refused by a person entitled to receive it, provided that such investment shall be limited to even sums of Rs. 500, or multiples of Rs. 500. The amount of Compensation, if less than Rs. 500, and any fractional parts, if the Compensation is above that sum, shall be held by the Collector in deposit, bearing interest at four per cent.

Rule X - - From and after the date of investment of Compensation-money under the last preceding rule, no interest on the amount so invested shall be allowed in addition to that due on the said securities.

Securities.

Rule XI— Similarly, when
a Collector has preferred a case
to the Civil Court under Sections
15, 38, or 43 of the Act, he shall
at once invest the amount of
Compensation awarded by him
in Government Securities. In all
Cases of preference under Section
38, and in Cases of preference under
Sections 15 or 43, in which the
Collector's award shall be confirmed
by the Court, no interest on the
amount so invested shall be
allowed in addition to that due
on the investment. Whenever in
a Case of preference under Sections
15 or 43 a higher sum than was
awarded by the Collector shall
be awarded by the Court, the
Collector shall pay to the persons
entitled to receive it the difference
between the amount of interest
which may have accumulated on
the Government Securities from
the date of investment, and
the amount of interest calculated
at six per cent. Under Section 42 of
the Act, from the date of the taking
possession

possession of the land.

November 1873

N^o 8.

The following alterations in, and additions to, the "Instructions for the Administration of the Land Acquisition Act X of 1870," have been approved by the members in charge:—

"G A. The special attention of Collectors is drawn to the necessity for making their initial estimates, (whether under rule 6 or Rule 9) of the Cost of land to be taken up, as accurate as possible. Careless estimates not only throw out the calculations of the department for which the land is to be acquired, but, if they err by excess, are likely, though in no way binding on Government, to prejudice the public interests by giving colour to extravagant claims at a later stage of the Proceedings.

"G. B. If at any time before award or reference to the Civil Court, the Collector shall have reason to believe that the cost
of

9

of acquisition will considerably exceed the estimate, he should at once stay proceedings and report the probability of such excess to the Executive Engineer, in the case of land required for Public Works purposes, or in the case of land required for other departments or for a Company, to the chief local representative of the department or Company for which it is required, with the view that it may be ascertained whether the object sought cannot be otherwise secured, either by obtaining some other plot of land than that originally contemplated, or in any other way." For the first five lines of Rule 19A, substitute the following: — Whenever Proceedings under the Act are conducted by an Assistant or Deputy Collector empowered, under the provisions of Section 3, to act as a Collector, such Officer shall, before making any tender of Compensation to persons interested under Section 11, report his Proceedings in view to obtain the approval and Confirmation of the Collector of the District to the amount of Compensation which he proposes to

"19 B. In Cases where the Amount of Compensation which it is proposed to tender exceeds Rs: 10,000, a reference should be made to the Commissioner, whether the officer conducting the Proceedings be the Collector himself or a subordinate empowered under Section 3 of the Act. In the former case, the Collector should, after making the requisite enquiries under Section 11, postpone his final award under the provisions of Section 12, and report his opinion on the case to the Commissioner, forwarding at the same time all documents which may seem necessary to enable that Officer to judge of the propriety of the proposed award. Similarly, in the second case, the necessary papers should be forwarded to the Commissioner with the Collector's own opinion on the propriety of the tender proposed by the Officer empowered under Section 3. The Commissioner may either confirm the proposed tender, or call for further information, if, necessary on any point."

19. C. Commissioners and Collectors will

will be held responsible for these references being disposed of with despatch. Any unnecessary delay in dealing with such ~~the~~ cases not only embarrasses the department for which the land is required, but may seriously enhance the price; for it has been ruled that, on a reference to the Civil Court, the Judge and Assessors are bound to consider the market-value of the land at the time of the award of Compensation by the Court. Hence if, from any cause, the market value rises in the interval while the papers are under consideration of the Commissioner or Collector, the case may be, the original estimate may be greatly exceeded. And the knowledge that proceedings are pending may of itself tend to enhance the market value of land.

December 1873.

to 2.

With reference to paragraphs ~~28~~ and 29 of the instructions for the guidance of Collectors in the acquisition of land for public purposes, District Officers are requested to credit in future the value of revenue abated as Compensation

12

Compensation for land taken up
under Act X of 1870, to "Direc=
- torial Land Revenue," and
to interpret under a new heading
f, Table V of Return do X,
immediately after the heading f,
Sale of Government Estates."

March 1874

Nº 10

Under the orders of Govern=
ment, para. 28 of the Instruc=
- tions for the administration
of the Land Acquisition Act, X
of 1870, is hereby cancelled.

June 1874

Nº 5

District Officers are
requested ~~to~~ in future to show
in the column of remarks of
Register No: XXVI how lands
the property of Government have
been acquired, whether under the
Land Acquisition Act or by
private purchase, and the dates
in which such lands were acquired.

August 1874

Nº 3.

In Cases referred to the Court.

10

under Section 15, Act X of 1870,
after the Court's award of Com-
-pensation has been declared,
the Costs of the Proceedings are made
to fall either on the Collector, or
the parties interested, according
as the Amount Awarded does,
or does not, exceed the sum tendered
by the Collector; and as, in such
Cases, a want of uniformity of
practice exists in the mode of
showing the Amount of Costs
in the abstract bill contained in
Appendix I of the Directions for
the Guidance of the Officers of the
Revenue Department in the Acqui-
-sition of Land, the members in
charge direct the addition of the
following rule to para. 36 of
those Directions: -

36 A. - In Cases referred to a Court
in which Costs have been decreed
against Government, the Amount
of the Costs should be entered in
the abstract bill in Appendix I,
after the item "Expenses incurred
in taking up the Land", under the
heading "add Amount of Costs
decreed against Government".
Costs decreed to Government,
although realized from the
Owner.

14
amount of the land by deduction
from the amount of compensation
paid, being of the nature of
advances recovered, should not be
taken in abatement of the price
paid for the land, and therefore
should not be shown in the body
of the abstract. The amount,
however, with an explanatory
note, should be entered in the
column of remarks, and should
also be distinctly credited in the
treasury Cash Accounts. Subjoined
are specimen forms of bills drawn
up in conformity with the above
rules.

Appendix 7.

* * * * *

May 1875

No. 6.

The following is added as
paragraph 24 A to the instructions
for the Guidance of Officers in the
acquisition of Land under the pro-
visions of Act X of 1870.

24 A. In such cases, however,
the value of each holding should
be separately assessed and recorded,
and should be included in the total
amount of compensation to be
allowed in the award. The value

20

May 1875.

No. 1.

Para. 28 of the instructions for the
guidance of collectors in the acquisition
of land for public purposes having been
cancelled by Circular order No. 10 of
March 1874, District Officers should
distinctly understand that the instruc-
tions contained in Circular order No. 2
of December 1873, will now only
apply to cases where land is taken up
for a company or municipality, and
not to cases of land acquisition on
behalf of a department of Govern-
ment.

under Section 9 of the Act has been reserved.

September 1873

N^o 1

With a view to obviate frequent references which the Accountant General now finds it necessary to make, District Officers are requested, in future, when submitting their final Proceedings in connection with the acquisition of lands taken up for public purposes under Act 7 of 1870, to furnish, on the reverse of Appendix I, the number and dates of vouchers on which the amounts of compensation, &c. shown therein have been drawn from the Treasury.

N^o 3.

A Case has recently come before the notice of the member in charge in which a Deputy Collector, entrusted with the conduct of the operations for acquiring certain land for public purposes, was shown to have utterly disregarded the Procedure prescribed. The
(member)

members in charge, therefore,
that no officer may be recommended
for awardment with honors under
Act X of 1870, unless the collector
to whom such officer is subordinate
is satisfied that he is well
acquainted with the provisions
of that law and the rules thereunder
= taken thereunder =

October 1873.

File 2.

of the rules already made
and promulgated by the Government
= amount of charges under the Pro=
= vision of section 59 of Act X,
1870 (the Demand Regulation Act)
the following additions have now
by the same authority, been made:
and these additional rules, and
accordingly, have the force of law,
under the provisions of 10th
September 1873, page 1059 -
Rule 18. - On the day on which
payment of compensation in any
case may become due under
Section 41 of the Act, the Collector
shall tender the amount to such
of the persons entitled to receive

General No 73
9. 14

Mysoore Ch. Commr's office
Bangalore 5th April 178.

To

The Secretary to the
Board of Revenue
Lower Provinces
Bengal.
Fort William

Sir,

I am directed by the
Ch. Commr. to acknowledge
with thanks the receipt of the ^{a printed copy of} "Rules for
the guidance of Public Officers
in the Administration of the
Land Acquisition Act of 1870"
forwarded with your letter
No 190 A dated 21st March 178

I have &c.

Secretary.

1878.

From

The Secretary to the Chief Commissioner
of Mysore.

To *The Secretary*
Board of Revenue
Lower Province

Dated 5th April

Despatched " " " "

Received

Enclosures No. " "

General No. 73 ✓
9 No. 14

Encl. 1
8/4

GD
8/4
After office
File No. 200
up to 10/1
H. M. 3/4

8-11-78 1878/79. U. 11/11
41
Mysore Public Works Department
No. ⁸¹⁵ 1484
From

The Secretary to the Chief
Commissioner of Mysore

To The Secretary to the
Chief Commissioner of Mysore

Dated General Department

Despatched } 20th June 1878.-
Received - } 20th June 1878.-

Enclosures No.
Subject

As requested in Secretary's
No. ³⁰² 2001 of the 18th instant, has
the honor to forward the file of
correspondence regarding
adjustment of charges for
land taken up for public
purposes. -

By order

Ch. Inver.

Captain: B. C.
Offg. Secretary to the Ch. Commr.
of Mysore W. P. Works

And To S. H. P.
Ch. Inver.

22. 6. 78

P.T. O. 1

X
 No 212-28. A. B. of 20 March 1876 from Government of India
 No 666 of 24-3-76 from Secretary H. B. R.
 Memo: By H. B. R. Secretary and Chief Commissioner, District of
 No 153 of 2-5-76 from Secretary H. B. R.
 No 26 of 3-5-76 from Chief Commissioner, District of
 No 1509 of 26-5-76 from H. B. R. Secretary
 No 1166 of 14-6-76 do
 No 181-35 of 26-6-76 from Commissioner, District of
 No 88 of 17-6-76 do
 No 1160 of 21-6-76 from H. B. R. Secretary.
 No 98 of 22-6-76 from Commissioner, District of, with one enclosure.
 No 1202 of 30-6-76 from H. B. R. Secretary.
 No 168 of 12-8-76 from Commissioner of Nagar, with two enclosures.
 No 322-53 of 24-8-76 from do - Shikhar Bazaar
 No 1615-29 of 17-8-76 from H. B. R. Secretary.
 No 220 of 10-8-76 from Government of India
 Memo: By H. B. R. Secretary to Chief Commissioner
 No 374-59 of 15-9-76 from Commissioner, District of, with 1 enclosure.
 No 1899-3324 of 28-9-76 from Secretary H. B. R.
 No 496-514. A. B. of 13-6-76 from do
 No 1170 of 24-6-76 from H. B. R. Secretary.
 No 370 of 8.5.74-4-78 from Government of India
 No 502-948 of 12-4-78 from H. B. R. Secretary.
 No 2504 of 8 May 1878 from Commissioner, District of.
 No 643-1194 of 19-5-78 from H. B. R. Secretary.

To be printed
in Extensio

— 100 —

To Mr Chief Eng^r M.D.
 " " Comms of Dns
 " " Dy Comms Dis

33 Copies despd

1 To Aptth Secy

1 To Adolth Secy Termin

1 attached to Draft-

14 Reserve

50

122

The Chief Engineer D. P. W.
Commrs of Divisions
Dep. Commrs of Districts.

Date 24th August - 1878

Sp 4159
26

Communicating Govt
India letter dated 20th
of 1878 together with the
revised Rule which is
to be substituted for the
in the P. W. D. Code
~~the appropriate~~ re-
lative to the acquisition
land for public purposes.

Recd 26th
J. H.

Two Pages

Sp 3

29

11
Letter No 4 dated 20th
July 1878 from the Govt
of India, Dept^y of R. & F.
and its enclosure.

Ordered ^{to be} ~~that~~ the
~~above~~ be communicated
to the Chief Engineers, ^{DRs} the
minis^{rs} of Wrs and the
Hon^{rs} of Dist^s for
information and guidance

19/8
Secretary

*Proceedings of the Chief Commissioner of Mysore, Department of Revenue,
Agriculture and Commerce, 24th August 1878.*

From the Secretary to the Government of India, Department of Revenue, Agriculture and Commerce,
To the Chief Commissioner of Mysore and Coorg, (Land Revenue and Settlements),
No. 4, dated Simla, the 20th July 1878.

In forwarding for your information copy of a rule which the Government of India in the Department of Public Works have decided to substitute for Rule 14, Chapter XIII, Section 1, of the Code of that Department, relative to the acquisition of land for public purposes, I am directed to state that the Government of India believe that the instructions already issued in the Revenue Department for the guidance of officers taking action under the Land Acquisition Act, 1870, in Mysore and Coorg, already provide for the necessary communication between and co-operation of Revenue and Public Works officers as prescribed in the revised rule. If, however, this is not the case, the Governor General in Council will be glad if the rules on the subject in force in Mysore and Coorg are added to accordingly.

2. With reference to the sentence in the draft rule which mentions the acquisition of the land by private negotiation, I am to say that the expediency of acquiring the land in this way in preference to taking action under the Land Acquisition Act is a matter of which the Local Government or Administration of each province must be the best judge. The circumstances of different provinces and of different localities in the same province are so different that no universal rule can be laid down. It should be borne in mind that an indefeasible title is secured by proceeding under the Act, and that the procedure therein provided seems in most cases calculated to save Government from the risk of paying more than the true market value (*plus* the addition of 15 per cent directed in Section 42) for the land. It may, however, occur (especially in localities where the tenure of land is of a simple character) that there is no risk in respect of title in securing land by private bargain, that the price which would have to be paid in this way would be less than that likely to be awarded under the Act, and that more speedy acquisition of the land would thus be secured. Of this, however, the local Revenue authorities, as before observed, must be the best judges; and the Governor General in Council does not doubt that their decision will in all cases be in favor of that course which to a good title will join the greatest economy in the transaction.

3. It may be assumed that in cases where large appropriations are contemplated and lands are required for canals, railways and other extensive works, a special officer would be appointed to take up the lands under the Act.

REVISED RULE.

When land is required for public purposes, the officer of the Public Works Department should in the first instance consult the Chief Revenue officer of the district, and obtain from him the fullest possible information as to the probable cost of the land, per acre or otherwise, together with the value of buildings, &c., situated on the property, and for which compensation will have to be paid. Upon the information thus obtained, an estimate should be framed by the Public Works officer and submitted for sanction. When sanction to an estimate, framed as above directed, has been obtained, the Executive Engineer or other Public Works officer concerned should commit the matter to the Revenue officer, who will take the necessary preliminary action for the appropriation of the land under the Land Acquisition Act, or for its acquisition by private negotiation, subject to the instructions which he may receive from the Revenue authorities to whom he is subordinate.

These instructions provide that when the estimate originally framed and sanctioned is likely, when the land comes to be acquired, to be materially exceeded, the Revenue officer shall refer the matter again to the Public Works officer to ascertain whether the object sought cannot be otherwise secured, either by obtaining some other plot of land in lieu of that originally proposed for acquisition, or in some other manner. When such a reference is made, the officer of the Public Works Department should, in personal communication with the Revenue officer, consider the case, and, if it is found impossible to obtain the land required without materially exceeding the original estimate, submit a revised estimate for sanction.

*Proceedings of the Chief Commissioner of Mysore, Department of Revenue,
Agriculture and Commerce, 24th August 1878.*

No. 4159—R.-F. 26, DATED BANGALORE, 24TH AUGUST 1878.

ORDERED, to be communicated to the Chief Engineer, Department Public Works
the Commissioners of Divisions, and the Deputy Commissioners of Districts, for information and guidance.

T. CLARKE,
Secretary.

To—The Chief Engineer, Public Works Department, *10 spare copies*
" Commissioners of Divisions. *one spare copy*
" Deputy Commissioners of Districts. *one or*

33 Copies deposited
1 To Asstg Secy
1 To Finance Secy
1 attached to draft
14 Reserve
50

as ascertained should not be paid to the Service holder, but should be placed in deposit and appropriated according to the following rules:-

When the area of land acquired forming a single holding or portion of a single holding is equal to or exceeds a beegah, the sum so placed in deposit should be applied for the purpose of purchasing another piece of land, similar in quality and quantity to the first piece, and situated adjacent to it, or in its immediate neighbourhood. This second piece of land should be acquired under the provisions of the Act, and should be made over to the holder of the Service land, to be held by him on the same terms as the original holding was held at the time of its acquisition.

When the area of land acquired is less than a beegah, it will not be worth while going through the process enjoined above. Instead of doing so, annual interest should be paid to the Service holder at the rate of six per cent. On the sum held

held in deposit; provided that as soon as the aggregate acquisitions of land forming portions of a single holding, or of the holding of a single individual, amount to a hergal or more, a fresh piece of land may be acquired and made over to the Service Holder in the manner indicated above, payment of interest ceasing from the date of the transfer. The amount of interest should be sent out annually to the Service Holder by the Collector, at the Cost of Government, without waiting for any application to be made for it.

May 1877.

No. 4.

The following should be ~~submitted~~ substituted for present Rule 17 A. of ^{the} Land Acquisition instructions issued with the Board's Circular Order No: 4 of January 1873: -

"When a reference has been made by the Collector under Section 15 to the Court, the Collector should

11873-74
(L.R.)

File No. 13.
Serial No. 1-3.

Subj: - The rights and privileges
of the ~~ry~~ Ryots in
Kham

(35)

(1873-74)

File no 13

Sls 1-3.

Land Revenue.

The rights and privileges
of the Ryots in Khans.

Indexed
D. Nanjundiah

Memorandum

51

In the Sorab Taluk there are two descriptions of Forests viz (a) the dry Forests, which shed their leaves in the dry season and (b) the ever-green Forests, which always retain their foliage -

2. Most of the ever-green Forests which produce Bagani, Pepper and Coffee are called "Khans", which term does not, however, apply to this description of Forests only, but is also often applied to Forests generally. Some of these Khans are occupied, while others are unoccupied. The holders

of the former class of
"Khand" pay rent to
Government and derive
therefrom the following
produce.

(a) Toddy from the
Sago palm.

(b) Black Pepper

(c) Coffee^x &

(d) Jack fruits

* Since prohibited

E.V.

and in addition to the
above they had according
to the Forest Rules of 1865,
permission to cut:

(A) leaves and branches
for manure mainly for
Supari and Betelnut
gardens &

(B) firewood & timber^{*}
(for their own use) for
building and other pur-
-poses; but in cases of
sale they were required
to take out a license
therefor.

* This privilege also
has since been
with drawn.

E.V.

3 Owing to the indis-
-criminate felling that was

practiced, Major Hunter proposed the reservation of the "Khan" Forests, and these were in the Annual Administration Report of 1865-66 borne on the list of reserved Forests.

4. The Forest Rules of 1866 defined the rights of the "Khan" holders, and of Government in these Forests. All timber trees in the "Khans" particularly of those in Saraba were reserved by Government, the "Khan" renters being privileged to collect Loddj and Pepper.

5. The Conservator of Forests Captain Eandameren however deprecated the felling by Government of the timber on the "Khans" for the reason that

Vide Para 31 of Forest Report - 1866-67.

"The Sago palm and the
"Coffee tree both require
"shade and the pepper-
"vine must have supports,
"every timber tree in felling
"would cause damage to
"the property of the tenant
"and be a fruitful source
"of litigation as we should
"be continuing to depreciate
"the value of the 'Khan'."

6. In 1867 it
was directed that
the steps taken to hold
the 'Khans' as Government
reserved Forests should
be abandoned pending
a careful inspection of
them, and the selection
of such as might be
found necessary to
be conserved strictly,
but that the Ryots
should at the same
time be debarred from
felling the timber.

* Vide clause 8 Para 13 of the
joint report No 33 of 11 May
1868 of the Survey & Settlement
Comm^{rs} and the Inspector
General of Forests.

Government and people were prevented from cutting wood there, which was not the case before, and so not much felling work then went on in the occupied "Khans". He also expressed a wish that not a single living tree should be cut in a Khan on behalf of Government even, without the previous inspection of the Officer in charge of the Forest Department, and added that the less the cut was the better.

11. The Conservator's opinion on the above point was called for and he quite concurred in Colonel Anderson's views, and recommended the Cancellation of the Concession. This was deliberately decided on by the Chief Commissioner (1872)

12. The Ryots complaining against this withdrawal of the Concession, Colonel Meade was pleased to permit them to clear the under growth and to clip trees where necessary for the

In P.O. No 1537 of 21 March 1872

In his No 1721 of 14 October 1872

No 6087 of 17 October 1872 to Survey Commr

* Proceedings No $\frac{1243}{49}$ of 5th June

the growth of the pepper vine and also for manuring purposes: but they were strictly interdicted from felling or injuring the timber trees in the "Kham". The Survey Superintendent was requested thro' the Survey Commissioner to draw up general instructions in accordance with these views, defining what the occupiers of the "Kham" may do with regard to clearing wood on their "Kham".

13. The Survey Commr. accordingly submitted a Draft Statification for approval, observing at the same time that the cultivation of Coffee and Pepper in "Kham" was provided for which must necessarily involve the permission of some clearing away of undergrowth, but that it appeared inexpedient to specifically mention that any cutting or clipping of trees was permitted, as it would certainly

N^o 1468 of 22^d September 1874